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EDITORIAL

Protect freedom of association

The initiative by Come Together Colorado — to replace Amendment 2 with a measure which would forbid discrimination against homosexuals in jobs and housing while prohibiting "special rights" — is not unworthy in its intent to calm trouble waters in our community and state.

But seemingly lost here is something of paramount importance to us — the historic common law concept that every individual is endowed with a right of voluntary associations as individuals and in the process of making mutually beneficial contracts.

We are aware that there are modifying laws on the books, to protect individuals from discrimination on the basis of race, gender and age, but this special status is at least based on an easily observed fact — race, gender, age.

The problem with this substitute amendment is that it interjects government into contractural relationships where there is no reasonable indication that a significant problem exists, i.e., homosexual employment and housing.

Organized homosexuals did not initiate this proposal and, to date, are not actively supporting it. We guess this is for the simple reason that being denied employment and housing, though it might occur on the margin, is not this group's principle concern. It is really the "protected status" issue they find to be central, though half a loaf may turn out to be better than none.

The effort to find a substitute for Amendment 2, coming largely from elements of the business community, appears predicated almost entirely on hopes of pacifying this group. It is understandable that since most of us would prefer peace to conflict, the hope persists that somehow "splitting the difference" can accomplish an accommodation of competing points of view.

Frankly, we are somewhat skeptical.

It seems strange to us that the right to free association (our founding fathers called it "liberty") gets such short shrift in arguments about Amendment 2 and the substitute proposal.

Obviously, there are individuals who do not choose to associate with others for a multitude of reasons. Some might even say such decisions are irrational, unkind, mean spirited. However, we must remember that liberty is the right to be "irrational" as long as physical force or the threat of physical force is absent in the relationship.

As a matter of fact, the employment of homosexuals is widely accepted in Colorado Springs and elsewhere in our state, so one might reasonably ask, "What's the beef?" The same goes for housing. And why? Because the market judges people on their objective ability to perform, and the marginal exceptions to this do not justify a legal status to sue for damages for alleged or suspected "discrimination." The lawyers are busy enough as it is.

Richard Epstein, professor of law at the University of Chicago, well described the shortcomings and failure of government intervention where the marketplace develops its own remedies:

> The common law system of freedom of contract allows bargains to be made for good reason, bad reason, or no reason at all. The virtue of that rule is not that it promotes or extols bad or pointless bargains. Quite the opposite. The rule means that the state need not expend resources to superintend the merits of any bargain in deciding whether to enforce it. It also means that we shall not all suffer together when the state overreaches or makes the wrong judgments as to what reasons for noncontracting are good or bad.
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> Freedom of contract does not, however, require individual contracting parties to be indifferent among contracts that are good, bad, or pointless. Indeed, it works so well precisely because people do tend to their own interests and are sensitive to changes in costs and benefits that routinely follow from the ebb and flow of events great and small.
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> The legal system normally has no need to superintend the wisdom of bargains when the contracting parties have strong incentives to do so for themselves. There are natural curbs against irrational contracting behavior even in a system that makes no formal condemnation of practices that others think, perhaps rightly, to be irrational.

To respond to the organized homosexual community with a law that deals with a "problem" (employment and housing) that essentially doesn't exist for purposes largely symbolic does not appear to us to be justified.

25 years of growth and progress

A time traveler from 1968 would find Colorado Springs a dramatically different city today, but our visitor from 25 years ago would also be reassured by enduring ties to the past.

In today's Gazette Telegraph, we offer a special insert, "Coming of Age: A Generation of Change," that looks at the last quarter century of change in the Pikes Peak region. Through its six sections, this annual Progress Edition examines our city today, and the forces and trends that have shaped it.

In many ways, Colorado Springs is not all that different than it was 25 years ago. For a city its size, it retains a friendly, small-town atmosphere. Wide, tree-lined streets continue to grace the central city and Gen. Palmer's statue still anchors the corner of Nevada and Platte avenues. The beauty of its setting, with Pikes Peak, the Garden of the Gods and our clear blue skies, remains undisturbed.

Around these islands of stability, however, have swirled dramatic changes. Colorado Springs today is nearly three times larger, in area as well as population, than it was 25 years ago. Whole new industries have taken root here to complement tourism and the military.

The two most important are high-technology manufacturing and the non-profit sector, including more than 50 religious organizations. These operations have brought diversity to the local economy, creating opportunity for a whole new generation of local residents.

The change has not come without pain. The boom-and-bust nature of local growth has brought with it economic dislocation. But on the whole, changes in the last 25 years have brought tremendous blessings to our community — new and better jobs, more customers for the 11,000 small business in the region, a more diverse array of services and cultural experiences.

The challenge for the next 25 years will be to encourage the kind of growth, opportunity and entrepreneurial spirit that have marked the last 25 years, while conserving those characteristics of our community that make it a special place to live. What is happening today in Colorado Springs gives us great hope that the next 25 years will be just as bright.

Associated Press

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Iraq/Families selling heirlooms to raise cash

From B12

so no one would suspect. They told neighbors they were just taking a vacation.

It has been a hard winter, but also one of brilliant sunshine, tangerines ripening in courtyards, piles of luscious pomegranates.

The Tigris, reddish-pink with churned mud, moves sluggishly through the city. On a jetty beneath the abandoned British Embassy, men fish for masgouf, a delicacy served in riverside restaurants.

Women who used to buy bread or take flour to a bakery now bake at home. Children drop out of school to work.

Tire repair is a new trade. Because tires cannot be imported, people mend them with rubber patches and shoe soles.

Little medicine is available because Iraq's assets abroad have been frozen. Malnutrition and disease are serious problems among the poor.

Mustafa, a skinny 10-year-old diabetic, desperately needs insulin but cannot get enough because the government has limited supplies and his family is poor.

He is one of eight children and has dropped out of school to do odd jobs, like selling cigarettes or cleaning shops.

Sometimes he begs for money on the street or for stale bread and leftovers from food stalls.

His father, a widower, drives a taxi and the other children work or beg.

What little the family earns helps to buy insulin, but Mustafa has had to reduce his dosage so the medicine will last longer.

Crime is rampant in Baghdad, especially theft and carjacking.

For the first time, the press is reporting lurid crimes — murder, rape and mutilation, usually linked to robbery, sometimes with whole families as victims.

Divorce is rising and the number of marriages has declined significantly, both for economic reasons. Family violence is increasing, along with prostitution and alcohol abuse.

"Because life is dull and hard, it's easier for men and women to separate," said the owner of a small clothing store, who gave his name only as Hussein. "We don't have good times together any more."

He said his wife, Nadia, once known for her lively spirit, pretty clothes and well-coifed hair, "has let herself go. She doesn't take care of herself anymore."

Nadia, in her late 20s, now mends and alters her children's clothes and buys none for herself. She bakes her own bread and stands in food lines for hours.

She no longer sees friends, never gets her hair done and sometimes bites her fingernails.

"My wife's tired. I'm tired," Hussein said. "We just worry about getting through the next days and hope the sanctions will end."

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